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8	Attorneys for Complainant	
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	STATE OF C	ALIFORNIA
12	In the Matter of the Accusation Against:	Case No.: 2010- 637
13	BROOKE TERRA MILLER 2300 Ashwood Place	ACCUSATION
14	Paso Robles, CA 93446	
15	Registered Nurse License No. 688513	
16	Registered radise Decembe 140, 666515	
17	Respondent.	
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19	Complainant alleges:	
20	<u>PARTIES</u>	
21	1. Louise R. Bailey, M.Ed., R.N (Complainant) brings this Accusation solely in	
22	her official capacity as the Interim Executive Officer of the Board of Registered Nursing,	
23	Department of Consumer Affairs.	
24	2. On or about September 11, 2006, the Board of Registered Nursing (Board)	
25	issued Registered Nurse License No. 688513 to Brooke Terra Miller (Respondent). The	
26	Registered Nurse License was in full force and effect at all times relevant to the charges brought	
27	herein and will expire on July 31, 2010, unless renewed.	
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 5. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."
 - 6. Section 2762 states in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.
- "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

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7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.

COST RECOVERY

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES

- 9. "Hydrocodone" is a Schedule III controlled substance as defined in Health and Safety Code section 11056, subdivision (e)(4), and is categorized as a dangerous drug pursuant to section 4022.
- 10. "Diazepam" is a Schedule IV controlled substance as defined in Health and Safety Code section 11057, subdivision (d), and is categorized as a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Unlawful Possession of a Controlled Substance)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a), in conjunction with section 2762, subdivision (a), in that Respondent unlawfully possessed the controlled substance hydrocodone, as follows:

On or about May 19, 2007, Respondent brought her son into the French Hospital emergency room for treatment of a broken arm. While in the emergency room, Respondent twice withdrew a blister pack of six Hydrocodone, for a total of 12 Hydrocodone tablets, from the Omnicell medication dispensing machine. The first time she accessed the Omnicell she used a patient's number to which the pharmaceuticals were charged. Hospital records indicate that this patient was not prescribed any Hydrocodone and did not receive any Hydrocodone. The second time she accessed the Omnicell she used a "John Doe" number, which is a number assigned to a

1	patient until the identity of the patient is determined. When Respondent was confronted	
2	regarding the thefts, she took her son and immediately left the emergency room.	
3	SECOND CAUSE FOR DISCIPLINE	
4	(False Entries in Hospital Record Pertaining to Controlled Substances)	
5	12. Respondent is subject to disciplinary action under section 2761, subdivision (a	
6	in conjunction with section 2762, subdivision (e), in that, Respondent made false entries in a	
7	hospital record pertaining to controlled substances as follows:	
8	Complainant refers to and incorporates all the allegations contained in paragraph 11	
9	as though set forth fully.	
10	PRAYER	
11	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
12	and that following the hearing, the Board issue a decision:	
13	1. Revoking or suspending Registered Nurse License No. 688513, issued to Respondent	
14	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
15	enforcement of this case, pursuant to Business and Professions Code section 125.3; and,	
16	3. Taking such other and further action as deemed necessary and proper.	
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18	DATED: 6/14/10 /Ame Dem	
19	LOUISE R. BAILEY, M.Ed., RN Interim Executive Officer	
20	Department of Consumer Affairs	
21	State of California Complainant	
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